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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

| SPENCE TAYLOR, |) | |
|---------------------------------|---|--------------------------------|
| Petitioner, |) | Civil Action No. 14-288 |
| V. |) | Civil Action No. 77 286 |
| HON. JOY FLOWERS CONTI, et al., |) | |
| Respondents. |) | |

MEMORANDUM OPINION

This matter is before the Court on the petitioner's application to proceed *in forma* pauperis and his pro se petition for a writ of mandamus. The Court will grant the application and dismiss the petition.

According to the petitioner, "[t]he CIA and its agents and Director [are] using a technology called voice to skull . . . to harass [the petitioner] and use him to gather intelligence without his consent." Pet. ¶ 3. According to the petitioner, this technology "allowed a microwave phone call directly to [the petitioner's] brain" in such a way that the CIA can "collect intelligence from [the petitioner's] surroundings wherever he went." *Id.*; *see id.* ¶ 4. When the petitioner complained to defendants Conti and Fisher, these respondents allegedly "ordered a psych evaluation" rather than assist him. *Id.* ¶ 5. In this action, the petitioner demands a writ of mandamus "enjoining these officers and agents . . . to cease and desist the conspiratorial actions and harassing communications." *Id.* ¶ 6.

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Mandamus relief is proper only if "(1) the plaintiff has a clear right to relief; (2) the defendant has a clear duty to act; and (3) there is no other adequate remedy available to plaintiff." *Council of and for the Blind of Delaware County Valley v. Regan*, 709 F.2d 1521, 1533 (D.C. Cir. 1983) (en banc). The party seeking mandamus has the "burden of showing that [his] right to issuance of the writ is 'clear and indisputable." *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271, 289 (1988) (citing *Bankers Life & Cas. Co. v. Holland*, 346 U.S. 379, 384 (1953)). This petitioner addresses none of these elements, and thus fails to meet his burden.

The petition for a writ of mandamus will be denied. An Order accompanies this Memorandum Opinion.

DATE: January 31, 2014

United States District Judge